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Counsel for Plaintiff Michael Manson in 2023 Action

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

In re: MGM Resorts International Data
 Breach Litigation

Case No.: 2:20-CV00376-GMN-NJK

**2023 MGM PLAINTIFF MICHAEL
 MANSON’S RESPONSE IN OPPOSITION
 TO 2019 PLAINTIFFS’ NOTICE OF
 RELATED CASES PURSUANT TO
 LOCAL RULE 42.1¹**

¹ The filing refers to “Local Rule 42.1” but the correct notation is “42-1.”

1 Plaintiff Michael Manson, individually and on behalf of all others similarly situated, hereby
 2 files this Notice of Opposition to Notice of Related Cases Pursuant to Local Rule 42-1 [D.E. 183].

3 On December 6, 2023, plaintiffs in the *In re MGM Resorts International Data Breach*
 4 *Litigation*, 2:20-cv-00376-GMN-NJK, filed a Notice of Related Cases, purporting to relate 10
 5 cases filed between September and November, 2023. The cases are:

6
 7 *Owens v. MGM Resorts Int'l*, No. 2:23-cv-01480-JAD-VCF, filed on September 21, 2023

8 *Kirwan v. MGM Resorts Int'l*, No. 2:23-cv-01481-RFB-DJA, filed on September 21, 2023

9 *Zussman v. VICI Properties, LP*, No. 2:23-cv-01537-CDS-BNW, filed September 27, 2023

10 *Lackey v. MGM Resorts Int'l*, No. 2:23-cv-01549-RFB-NJK, filed September 28, 2023

11 *Pircio v. MGM Resorts Int'l*, No. 2:23-cv-01550-CDS-NJK, filed September 28, 2023

12 *Terezo v. MGM Resorts Int'l*, No. 2:23-cv-01577-JAD-VCF, filed October 3, 2023

13 *Rundell v. MGM Resorts Int'l*, No. 2:23-cv-01698-CDS-DJA, filed October 18, 2023

14 *Bezak v. MGM Resorts Int'l*, No. 2:23-cv-01719-RFB-BNW, filed October 20, 2023

15 *Zari v. MGM Resorts Int'l*, No. 2:23-cv-01777-CDS-BNW, filed November 1, 2023

16 *Manson v. MGM Resorts Int'l*, No. 2:23-cv-01826-CDS-EJY, filed November 7, 2023

17
 18 Plaintiffs in the *In re MGM Resorts International Data Breach Litigation*, filed in 2020,
 19 purport to relate the above cases filed in 2023 because “they involve the same claims based on
 20 similar facts being alleged against the same Defendant on behalf of substantially overlapping
 21 punitive classes.” This is false.

22
 23 The above cases do not involve the same claims, are not based on similar facts and do not
 24 represent substantially overlapping putative classes as the case consolidated as *In re MGM*
 25 *International Data Breach Litigation* (“*In re MGM*”). The Consolidated Class Action Complaint,
 26 filed on April 2, 2021 in *In re MGM* alleges a data breach on July 7, 2019 which was disclosed on
 27 September 7, 2019. In contrast, the 10 cases filed between September and November, 2023 allege
 28

1 a *different* data security incident based on a failure to secure personally identifiable information
2 (“PII”) for MGM’s loyalty program on July 29, 2023, which was disclosed on October 19, 2023.
3 Accordingly, the facts are entirely different and the putative classes in *In re MGM* do not overlap
4 with the proposed classes in the 10 cases.

5
6 The putative class members in the 10 cases are not the same people whose claims are being
7 litigated in *In re MGM*. The 10 cases alleged facts different from those alleged in *In re MGM*. As
8 a result, there is little risk of inconsistent judgments.

9 Local Rule 7–2.1 provides that two actions may be considered to be related when they
10 involve the same parties and are based on the same or similar claims; when they involve the same
11 property, transaction or event; or when they involve similar questions of law and fact and their
12 assignment to the same district judge is likely to “effect substantial savings of judicial effort.”
13 *Firefighters, Local 1908 v. County of Clark*, 2021 WL 1986590 (D. Nev. June 1, 2012).

14
15 Local Rule 42-1(a) requires parties to file a notice of related cases when “an action on file
16 or about to be filed is related to another action on file (whether active *or terminated*).” The rule
17 states that actions are “related” when “(1) [b]oth actions involve the same parties and are based on
18 the same or similar claim,” *Barragan v. Clarity Servs., Inc.*, 2021 WL 1226537 (D. Nev. Mar. 31,
19 2021).

20
21 The actions do not involve the same event or claim and do not involve similar questions of
22 fact such that assignment to the same district judge would represent a substantial savings of
23 judicial effort. In addition, the actions are at a different procedural posture. *In re MGM* is past the
24 motion to dismiss stage and discovery is ongoing. In contrast, there is no motion to dismiss
25 pending in the 10 cases. Relating the cases with *In re MGM* would “not save judicial resources,
26 and has the real possibility of confusing the factual and legal issues at stake in both suits”
27 *Firefighters*, 2021 WL 1986590, at *3; *Powell v. Andrus*, 2023 WL 7153680 (E.D. Cal. Oct. 31,
28

1 2023) (noting that the cases “do not involve the same parties, claims, property, transaction, or
2 events; they do not involve a similar question of law or fact; and there does not appear to be any
3 other reason relating these cases would effect a substantial savings of judicial effort or prevent the
4 substantial duplication of labor.”).

5
6 For the above reasons, the Court should decline to relate the 10 cases with *In re MGM*.

7 December 27, 2023

Respectfully Submitted,

8 /s/ Nathan R. Ring

9 Nathan R. Ring

Nevada State Bar No. 12078

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